

# MFSA

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## MALTA FINANCIAL SERVICES AUTHORITY

### **Circular addressed to the Investment Services Industry regarding the Consultation Papers on: Guidelines on certain aspects of the MiFID suitability requirements and Guidelines on certain aspects of the MiFID compliance function requirements**

**18<sup>th</sup> January, 2012**

On the 22<sup>nd</sup> December, 2011 the European Securities and Markets Authority (ESMA) launched two consultations on the following issues: [1] certain aspects of the MiFID suitability requirements and [2] certain aspects of the MiFID compliance function requirements. It is important to note that the Consultation Papers are primarily of interest to investment firms and credit institutions providing investment advice or discretionary portfolio management services.

The purpose of the draft guidelines on the suitability requirements is to enhance clarity and foster convergence in the implementation of certain aspects of the MiFID suitability requirements. These focus mainly on the need for firms to have in place appropriate policies and procedures in order to know their clients when recommending suitable investment choices. On the other hand, the purpose of the draft guidelines on the MiFID compliance function requirements is to enhance clarity and foster convergence in the implementation of the MiFID organisational requirements relating to certain aspects of the compliance function.

A copy of these consultation documents is available on the MFSA's website - [www.mfsa.com.mt](http://www.mfsa.com.mt) under the section '*Legislation and Regulation – Regulation – Securities and Markets - MiFID*', and on the ESMA website under: <http://www.esma.europa.eu/page/IPISC-documents>.

The MFSA encourages the Financial Services Industry to participate in the ESMA consultation process. Comments should be submitted online at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading 'Consultations' by not later than **24<sup>th</sup> February 2012**. All contributions received will be published following the end of the consultation period, unless otherwise requested. The contributions should also be forwarded to the Authority on the under-mentioned email addresses.

#### **Contacts**

Should you have any queries regarding the ESMA consultation documents, please do not hesitate to contact: Dr. Michelle Mizzi Buontempo, Deputy Director, Securities and Markets Supervision Unit, Tel: 25485112, [mmizzibuontempo@mfsa.com.mt](mailto:mmizzibuontempo@mfsa.com.mt), or Ms. Sara Antonia Borg, Manager, Securities and Markets Supervision Unit, Tel: 25485451, [saborg@mfsa.com.mt](mailto:saborg@mfsa.com.mt).